

ENTERED
Office of Proceedings
January 28, 2019
Part of
Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 35982

**JACKSON COUNTY, MISSOURI
-ACQUISITION AND OPERATION EXEMPTION-
UNION PACIFIC RAILROAD COMPANY
VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 48 C.F.R. § 1150.31, *Et. Seq.***

NOTICE OF ADDITIONAL AUTHORITY

***DEBORAH S. GROH
DJJHS ENTERPRISES, LLC
JHB & MEB ENTERPRISES, LLC
DAVID W. WELLS
DAWN R. WELLS
CURRENT PROPERTIES INVESTMENTS, LLC
NEPHRITE FUND 1, LLC***

Stewart, Wald & McCulley, LLC
Elizabeth A. McCulley
Thomas S. Stewart
2100 Central St., Suite 22
Kansas City, MO 64108
Tel: (816) 303-1500
Fax: (816) 527-8068
mcculley@swm.legal
stewart@swm.legal

Counsel for Plaintiffs

Dated: January 4, 2019

Please find additional authority in support of *Groh, et al.*'s Petition for Revocation which was filed on October 23, 2018. The attached Affidavits and photographs demonstrate that all the rails and ties have been removed such that the rail line has been completely abandoned under Missouri law. Jackson County committed a fraud on the STB and the STB's authority to transfer the line to Jackson County should be revoked. Please find attached affidavits and photographs in support of Plaintiffs' Petition for Revocation, as follows: Houske Affidavit attached as Exhibit A; Allen Affidavit attached as Exhibit B; and Photographs attached as Exhibit C.

Stewart, Wald & McCulley, LLC

By: /s/ Elizabeth A. McCulley

Elizabeth A. McCulley

Thomas S. Stewart

2100 Central St., Suite 22

Kansas City, MO 64108

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stewart@swm.legal

COUNSEL FOR PETITIONERS/LANDOWNERS

CERTIFICATE OF SERVICE

I certify that I have this day served copies of document upon all parties of record in this proceeding, by U.S. Mail this 4th day of January, 2019.

Sandra L. Brown
Thompson Hine LLP
1919 M Street, Suite 700
Washington, DC 20036

Justin J. Marks
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Washington, DC 20006

Kevin M. Sheys
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1666 K Street, N.W., Suite 500
Washington, DC 20006

Richard Welsh
227 Bellevue Way NE
PMB 719
Bellevue, WA 98004

/s/ Elizabeth A. McCulley

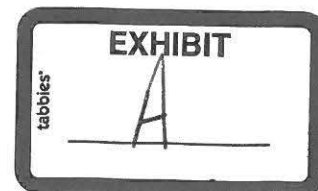
**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

DEBORAH S. GROH, et al.)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1816-cv00401
)	Division No. 15
JACKSON COUNTY, MISSOURI, et al.)	
)	
Defendants.)	

AFFIDAVIT OF GRANT E. HOUSKE

I, Grant E. Houske, being duly sworn and of lawful age, hereby swears and affirms as follows.

1. I am employed with the law firm of Stewart, Wald & McCulley, located at 2100 Central Street Suite 202, Kansa City, MO 64108.
2. I provide litigation support for Thomas S. Stewart and Elizabeth G. McCulley in this lawsuit.
3. On Thursday, December 13, 2018 I, along with Rosemarie Allen, conducted site visits and photographed all six (6) parcels and property involved in this lawsuit.
4. During each site visit, I photographed the former Rock Island Corridor and the property adjacent to the former railroad corridor. The photos of each property are attached as Exhibit A.
5. At each property, I observed the railroad tracks and ties had been removed from the corridor. Also, the ballast was removed, and the former railroad bed had been graded and leveled down to be accessible as a recreational trail.
6. A few cross ties remained stacked on the ground at some of the properties.
7. I personally spoke with two of the landowners about the tracks and ties being removed. The landowners told me the tracks and ties were removed and the work on the corridor was done during the Spring of 2018 and completed during the summer of 2018.



FURTHER AFFIANT SAYETH NAUGHT


Grant E. Houske

Dated: January 4, 2019

Respectfully submitted,

/s/ Elizabeth A. McCulley
Thomas S. Stewart
Elizabeth McCulley
Stewart Wald & McCulley, LLC
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Kansas City, Missouri 64108
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mcculley@swm.legal

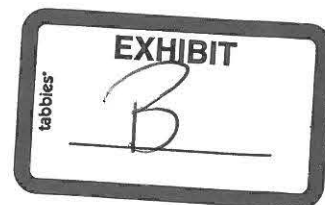
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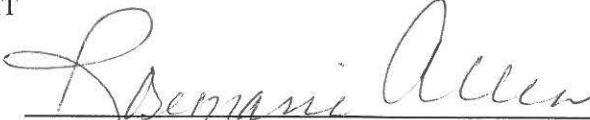
AFFIDAVIT OF ROSEMARIE ALLEN

I, Rosemarie Allen, being duly sworn and of lawful age, hereby swears and affirms as follows.

1. I am employed with the law firm of Stewart, Wald & McCulley, located at 2100 Central Street Suite 202, Kansa City, MO 64108.
2. I provide litigation support for Thomas S. Stewart and Elizabeth G. McCulley in this lawsuit.
3. On Thursday, December 13, 2018 I, along with Grant Houske, conducted site visits and photographed all six (6) parcels and property involved in this lawsuit.
4. During each site visit, I witnessed Grant Houske photograph the former Rock Island Corridor and the property adjacent to the former railroad corridor. The photos of each property are attached as Exhibit A.
5. At each property, I observed the railroad tracks and ties had been removed from the corridor. Also, the ballast was removed, and the former railroad bed had been graded and leveled down to be accessible as a recreational trail.
6. A few cross ties remained stacked on the ground at some of the properties.
7. I personally spoke with two of the landowners about the tracks and ties being removed. The landowners told me the tracks and ties were removed and the work on the corridor was done during the Spring of 2018 and completed during the summer of 2018.



FURTHER AFFIANT SAYETH NAUGHT


Rosemarie Allen

Dated: January 4, 2019

Respectfully submitted,

/s/ Elizabeth A. McCulley

Thomas S. Stewart

Elizabeth McCulley

Stewart Wald & McCulley, LLC

2100 Central, Suite 22

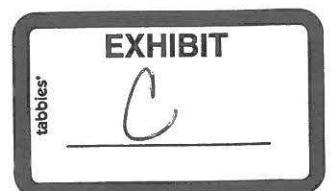
Kansas City, Missouri 64108

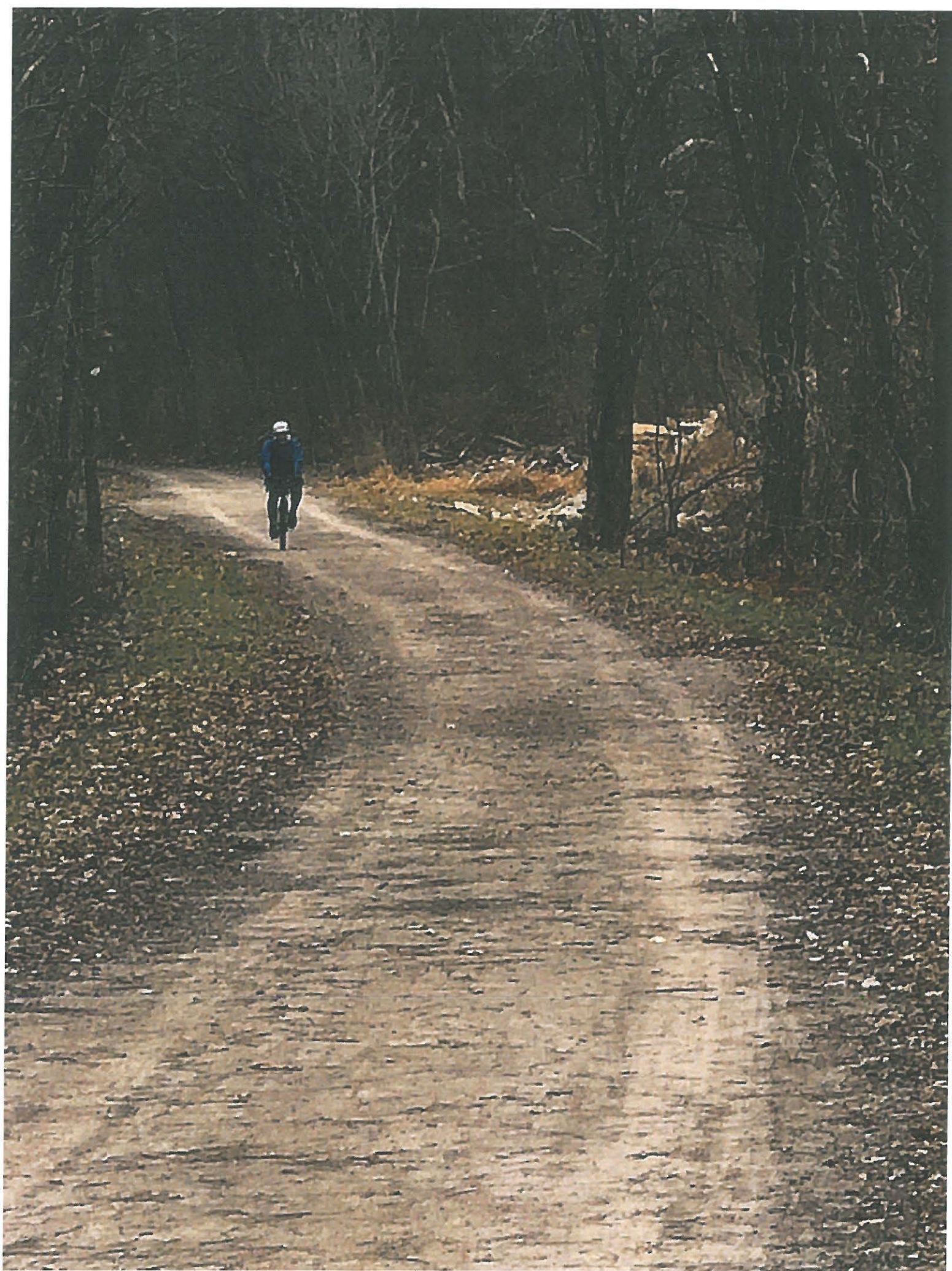
stewart@swm.legal

mcculley@swm.legal

GROH, DEBORAH
PHOTOS TAKEN 12.16.2019
(BY GEH)

GROH V. JACKSON COUNTY













WELLS, DAVID
PHOTOS TAKEN 12.16.2019
(BY GEH)

GROH V. JACKSON COUNTY











NEPHRITE FUND 1 LLC
PHOTOS TAKEN 12.16.2019
(BY GEH)

GROH V. JACKSON COUNTY









JHB & MEB ENTERPRISES
PHOTOS TAKEN 12.16.2019
(BY GEH)

GROH V. JACKSON COUNTY







DDJHS
PHOTOS TAKEN 12.16.2019
(BY GEH)

GROH V. JACKSON COUNTY



ROCK ISLAND SHARED USE PATH

NO MOTORIZED VEHICLES
NO COLLECTORIAL ON TRAIL
NO PETS OFF LEASH
NO VEH ON TRAIL

RideKC







CURRENT PROPERTIES, INC.
PHOTOS TAKEN 12.16.2019
(BY GEH)

GROH V. JACKSON COUNTY





ELECTRIC, INC.
CURRENT
PROPERTIES
240-2380

830



